

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA, : Case No. 3:08-cr-175  
Plaintiff, : Also 3:11-cv-299

- vs - : District Judge Thomas M. Rose  
: Magistrate Judge Michael R. Merz

:  
JEREMY E. LEWIS :  
Defendant.

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**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS (DOC. NO. 432); DENYING MOTION FOR PERMANENT INJUNCTION (DOC. NO. 431); AND, DENYING 28 U.S.C. 3582 SENTENCE REDUCTION REQUEST PURSUANT TO THE RETROACTIVE AMENDMENT 821 (DOC. NO. 421)**

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This case is before the Court once again on two matters raised by Defendant Jeremy E. Lewis (“Lewis”). First, Lewis presents a Motion for Permanent Injunction (Doc. No. 431), which has been addressed in the Report and Recommendations (Doc. No. 432) (“Report”) of United States Magistrate Judge Michael R. Merz, to whom this case was referred pursuant to 28 U.S.C. § 636(b). In his Report, Magistrate Judge Merz recommends that the Court deny Lewis’s Motion for Permanent Injunction. The Court has reviewed the Report and Recommendations of Magistrate Judge Merz, and, noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** the Report and Recommendations (Doc. No. 432) of Magistrate Judge Merz. Accordingly, Lewis’s Motion for Permanent Injunction (Doc. No. 431) is **DENIED**.

Second, the Court must address Lewis’s 28 U.S.C. 3582 Sentence Reduction Request Pursuant to the Retroactive Amendment 821 (Doc. No. 421) (“Successive Motion”). On October 2,

2024, Magistrate Judge Merz determined that this filing substantively constitutes a successive motion by Lewis to vacate or modify sentence. (Doc. No. 422 at PageID 2507.) Magistrate Judge Merz then transferred Lewis's Successive Motion to the Sixth Circuit Court of Appeals for consideration of whether to certify the viability of such a successive motion in this Court, pursuant to 28 U.S.C. § 2255(h). (*Id.*) Lewis subsequently voluntarily dismissed that appeal. (See Doc. No. 433-1.)

After reviewing the Successive Motion, the Court agrees that the motion is aptly characterized as a successive motion to vacate or modify sentence. Under 28 U.S.C. § 2255(h), the Court cannot consider Lewis's Successive Motion without a certificate from the Sixth Circuit Court of Appeals authorizing it to do so. By dismissing his appeal, Lewis has forfeited certification, and, the Court is without jurisdiction to render a determination on the substance of the Successive Motion. Therefore, the Successive Motion is **DENIED**.

For the sake of clarity and in accordance with the foregoing, the Court finds as follows:

1. The Report and Recommendations (Doc. No. 432) of United States Magistrate Judge Michael R. Merz is hereby **ADOPTED** in its entirety;
2. Lewis's Motion for Permanent Injunction (Doc. No. 431) is hereby **DENIED**;
3. Lewis's 28 U.S.C. 3582 Sentence Reduction Request Pursuant to the Retroactive Amendment 821 (Doc. No. 421) is hereby **DENIED**;
4. This matter is to remain terminated on the Court's docket; and,
5. The Court provides **NOTICE** to Lewis that additional frivolous filings, particularly without leave of court, may result in the Court deeming him a vexatious litigant.

**DONE** and **ORDERED** in Dayton, Ohio, this Tuesday, December 10, 2024.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE